

perpendicular to the extension of the front shoulder away from the digging edge, and an opening; and

a lock received into the opening in the wear member and in contact with the bearing surface of the boss to prevent disconnection of the first and second shoulders and thereby retain the wear member to the boss.

E1  
75. (Twice Amended) A wear assembly in accordance with claim 74 in which the bearing surface of the boss generally faces rearward to engage the lock, the boss further includes a front support surface, and the wear member includes a bearing surface to abut the front support surface of the boss to restrict rearward movement of the wear member, wherein the bearing surface and the front support surface are each generally transverse to the extension of the first shoulder away from the digging edge.

81. (Twice Amended) A wear assembly for an excavator having a lip with a digging edge, the wear assembly comprising:

E2  
a boss adapted to be fixed to an excavator lip, the boss including a front structure with an inner surface that is bent and fixed along a face of the lip and the digging edge, a rear structure having a first shoulder that extends generally away from the digging edge, and a bearing surface, wherein the rear structure includes a rearwardly extending leg that substantially overlies the lip, and the front structure wraps around the digging edge to define a second leg;

a wear member including a second shoulder that engages the first shoulder to hold the wear member to the boss and prevent release of the wear member in a direction perpendicular to the extension of the front shoulder, an opening; and

E2

a lock received into the opening in the wear member and in contact with the bearing surface of the boss to prevent disconnection of the first and second shoulders and thereby retain the wear member to the boss.

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E3

86. (Amended) A wear assembly in accordance with claim 74 in which the opening in the wear member includes a main portion and a stem portion, wherein the stem portion is narrower than the main portion, and each of the main and stem portions extend completely through the wear member.

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E4

108. (Amended) A wear member for mounting to an excavator having a lip with a digging edge and at least one mounting structure fixed to the lip, the wear member comprising:

an inner surface to face the lip;  
a longitudinal slot for axially receiving the mounting structure therein, the longitudinal slot having a central portion that opens in the inner surface and being partially defined by holding surfaces extending laterally outward from the central portion, wherein the holding surfaces are generally facing away from the lip for engaging the mounting structure to generally permit only relative longitudinal movement between the wear member and the mounting structure;

an opening passing through the wear member for receiving a lock;  
a first bearing surface associated with the opening for engaging the lock to prevent removal of the wear member from the mounting structure; and  
a second bearing surface forward of the first bearing surface for engaging the mounting structure;

E4  
the first and second bearing surfaces each being generally transverse to the longitudinal slot and facing in opposite directions.

109. (Amended) A wear member in accordance with claim 108 which further includes a rearwardly extending leg and a front working portion, wherein the second bearing surface is generally between the front working portion and the leg.

E5  
111. (Amended) A one-piece boss to be fixed to an excavator lip having a digging edge for mounting a wear member to the lip, the boss including a coupling structure with shoulders extending rearwardly from the digging edge to engage a complementary structure of a wear member, an inner surface to be fixed to the lip and having a front portion and a rear portion, the inner surface being bent so that the front portion extends generally transverse to the rear portion with the rear portion being along a face of the lip and the front portion being along the front of the digging edge, a forwardly facing first bearing surface to abut the wear member and resist rearwardly directed forces, and a rearwardly facing second bearing surface for contacting a lock securing the wear member to the boss, each of the first and second bearing surfaces being generally transverse to the extension of the shoulders extending from the digging edge.

115. (Twice Amended) A wear assembly for an excavator having a lip with a digging edge, the wear assembly comprising:

E6  
a boss to be fixed to an excavator lip, the boss including a first shoulder spaced from the lip and a first bearing surface;

a wear member including a second shoulder that engages the first shoulder between the first shoulder and the lip to hold the wear member to the boss and prevent release of the wear member from the boss in a direction generally perpendicular to the

lip, an opening, and a second bearing surface associated with the opening, wherein the first and second bearing surfaces face in opposite directions when the first and second shoulders are engaged; and

E6  
a lock received into the opening in the wear member, the lock being substantially contained to one side of the lip and between the first and second bearing surfaces to prevent disconnection of the first and second shoulders from each other and thereby retain the wear member on the boss, the lock having a first lock surface to oppose the first bearing surface, a second lock surface to oppose the second bearing surface, and an adjustment assembly selectively movable to vary the relative positions of the first and second bearing surfaces to thereby apply forces to the wear member and the boss that tend to tighten the mounting of the wear member on the boss.

REMARKS

The Office Action of September 10, 2002 has been received and considered. Claims 74, 75, 81, 86, 108, 109, 111 and 115 have been amended. Reconsideration of the application as amended is respectfully requested.

Applicants acknowledge the need to submit either the original patent or a declaration as to its loss or inaccessibility before this application can be reissued. Applicants request that this requirement be held in abeyance until all of the rejections and objections have been resolved.

Claims 74-118 have been rejected under 35 U.S.C. § 251 as violating the recapture rule. In particular, the examiner contends that the applicants argued for and obtained the allowance of the claims allowed in the original patent because they recited either (1) the inclusion of a T-shaped coupling structure (or the like) or (2) a lock with an